



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 00263-00  
20 April 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: EN [REDACTED], USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 16 Dec 99 w/attachments  
(2) USUHS ltr dtd 31 Mar 00  
(3) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he accepted his appointment as an ensign, Naval Reserve, with a student designator of 1975A on 10 August 1998, rather than 13 December 1997. He impliedly requested further correction to show he was commissioned as an ensign, Naval Reserve, with a designator of 1165 on 13 December 1997 and retained status as an ensign, designator 1165 until 9 August 1998.

2. The Board, consisting of Messrs. Ensley, Milner and Neuschafer, reviewed Petitioner's allegations of error and injustice on 13 April 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner contends that he discovered on 13 December 1997, the day he was commissioned in the Naval Reserve from NROTC Hampton Roads, that he had been conditionally accepted as a student at the Uniformed Services University of the Health Sciences (USUHS); and that the executive officer consequently directed the administrative office to change the designator on his oath of office from 1165 to 1975. He considers this to have been unjust, in that the change to a student designator froze his time in service for both pay and advancement, as well as time toward retirement, when he had not been finally accepted as a student, nor was he under orders to USUHS.

c. In correspondence attached as enclosure (2), the USUHS office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend approval of his request to change the date of Petitioner's student designator assignment from December 1997 to 10 August 1998, the date he reported to USUHS.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrected to show that his appointment as an ensign, Naval Reserve, with a student designator of 1975A was accepted on 10 August 1998, rather than 13 December 1997, and that this appointment reflected a date of rank of 10 August 1998, rather than 13 December 1997.

b. That Petitioner's naval record be corrected further to show that he was commissioned as an ensign, Naval Reserve, with a designator of 1165 on 13 December 1997 and retained his status as an ensign, designator 1165, until 9 August 1998.

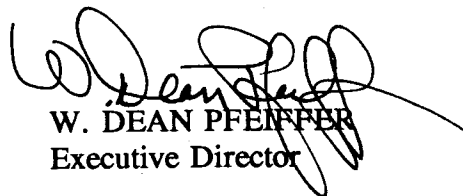
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES  
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31 March 2000

From: Company Commander, Navy Medical Students, USUHS  
To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE  
OF [REDACTED] USNR [REDACTED]

Ref: (a) BCNR 1tr HD:ks Docket No: 00263-00 dtd 113 Mar 2000  
(b) US CODE TITLE 10, ART 2114, 2126

1. In response to reference (a) the following comments and recommendation are provided in case of subject named officer.

a. ENS [REDACTED] started his application to USUHS as a military medical student in June 1997. As a medical student applicant and prior to his being accepted to medical school, he graduated from his NROTC host university in December 1997, which is early and unusual to the more typical late spring graduation. A requirement for his initial commissioning was the assignment of an officer designator code in the Oath of Office. The Navy Recruiting Command originally assigned him the Surface Warfare Officer designator 1165; however, the Commanding Officer of the NROTC unit, knowing of ENS [REDACTED]'s application to USUHS medical school, directed the NROTC unit Administrative Officer to change the designator from 1165 to 1975 (USUHS medical student).

b. The intent of the Commanding Officer, NROTC in changing the designator was to avoid any complications with the Surface Warfare Community which might result from issuing ENS [REDACTED] transfer orders and subsequently having to issue another set of orders to medical school in the same year. The CO was unaware that the premature assignment of designator 1975 would deprive ENS [REDACTED] of his active duty longevity and other entitlements for the described period (reference (b) refers).

c. The normal procedure for Navy active duty officers entering USUHS medical school is for students to report to the university with their current rank and designator with eventual recommissioning to the rank of Ensign/1975 on the day prior to the class convening date. In ENS [REDACTED] case, he was accepted to medical school unconditionally on 26 January 1998, and reported to the school on 10 August 1998.



